

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

MILDENZEL MALCOLM DAVIS, )

Plaintiff, )

vs. )

Case No. 1:14-cv-00422-TLW

KENNY BOOME; CPT. BRUNSON;  
LT. REDDING; LT. GABRIEL; and  
MAJ. NORRIS, )

Defendants. )

**ORDER**

Plaintiff Mildenzel Malcolm Davis, proceeding pro se and in forma pauperis, brought this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights by employees of the Florence County Detention Center. (Doc. #1). This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Shiva V. Hodges, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the case without prejudice and without issuance and service of process. (Doc. #9). Plaintiff filed timely objections to the Report on March 3 and March 7, 2014 (Doc. #11, 12), and this matter is now ripe for disposition.

In conducting its review of the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate

judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The Court has carefully reviewed the Report and Plaintiff's objections thereto in accordance with this standard, and it concludes that the Magistrate Judge accurately summarizes the case and the applicable law.<sup>1</sup> It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #9), and Plaintiff's objections are **OVERRULED** (Doc. #11, 12). This case is **DISMISSED** without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

April 6, 2015  
Columbia, South Carolina

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<sup>1</sup> Additionally, the Court notes that Plaintiff's Complaint can only be construed as seeking equitable and injunctive relief. Plaintiff notified the Court on April 18, 2014, that he was released from custody and now lives at a private residence. (Doc. #15). Because Plaintiff is no longer incarcerated, his claims for equitable and injunctive relief with respect to prison conditions are now moot.